

REMARKS

Claims 6, 8-9, 11-14, 16 and 18-35 are in the application.

Claims 6, 11, 14, 16, 18, 21 and 25 are amended, and claims 26-35 are new.

Claims 1, 2 and 4 are cancelled.

Claim 6 is amended to provide clearer grammar, and further:

(a) to define the shopping cart as representing items of interest with an unconcluded transaction status;

(b) to cancel the word “directly”; and

(c) to make clear that the contingent communication is not the direct goal of the user’s use of the web site and placing items in the shopping cart, that is, “the user’s selected items of interest in the shopping cart are independent of the establishment of the interactive voice communication session.”

The drawings are rejected under 37 C.F.R. § 1.83(a) for allegedly failing to show every feature of the invention specified in the claims. Applicants respectfully request reconsideration of this objection. The public switched telephone network (PSTN 25) is shown in Fig. 1. The external programs (DLL 32) are shown in Fig. 2. Reconsideration is respectfully requested.

Applicants have herewith provided an amended Abstract of the disclosure.

Claims 1-2, 11, 14 and 25 are object to because of various informalities. Applicants have generally amended the claims to comply with the Examiner’s suggests for assuring proper antecedent basis.

The subject matter of Claims 1-2 and 4 have been generally re-presented as new claims 26-28.

Claims 29-33 correspond to originally elected claims 17-21.

Claim 34 corresponds generally to the subject matter of former claim 10.

Claim 35 is a method claim corresponding to claim 29.

Claims 4 and 25 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The word “state” has been changed to “status”.

Claims 1, 2, 4, 6, 8-9, 11-14, 16 and 19-25 are rejected as being anticipated by Petty et al.

Claim 6 seeks to achieve patentability by further defining the shopping cart. Thus, claim 6 defines “a server hosting a Web site providing a user interface to permit a user to select and purchase items of interest, ... wherein said server proactively transmits a message ... based on an

automated analysis of a status of a user's Internet shopping cart, representing items of interest having an unconcluded transaction status, ... wherein the user's selected items of interest in the shopping cart are independent of the establishment of the interactive voice communication session." Thus, the communications to be conducted prior to concluding the transactions pending in the shopping cart are not themselves included in the shopping cart, thus distinguishing a system intended to negotiate those very services.

Claims 29 and 35 distinguish Petty et al. in that the calls to the external program are under the same operating system (in contrast to Petty et al. which appears to disclose communications with separate servers, which presumably operate with separate operating systems). Further, the claim specifies that a plurality of the external programs are simultaneously executing, a feature which does not appear to have analogy in Petty et al. Finally, each external program implements call handling logic for at least one voice communications channel.

Claim 18 (apparently claims 18-20) is rejected as being obvious under 35 U.S.C. § 103 over Petty et al. in view of Smith III. While not directly applied to claim 29, it is noted that claim 29 provides "... the application program supporting a plurality of instances of the external programs simultaneously, each external program implementing call handling logic for at least one voice communications channel." This language is believed to distinguish all of the art of record.

It is therefore respectfully submitted that the application is now allowable, and an early notice of allowance is respectfully solicited.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Steven M. Hoffberg", written in a cursive, flowing style.

Steven M. Hoffberg
Reg. No. 33,511

MILDE & HOFFBERG LLP
10 Bank Street – Suite 460
White Plains, NY 10606
(914) 949-3100